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FILED

JAN 17 2003

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LODGED

JAN 14 2003 IN THE UNITED STATES DISTRICT COURT FOR THE

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA and STATE OF
CALIFORNIA ex rel., RICHARD A. FORD,

Plaintiffs,

v.

NUFACTOR, AND FFF ENTERPRISES,

Defendants.

CIV-S-02-0983 WBS/GGH

[PROPOSED] ORDER

~~FILED IN CAMERA~~
~~AND UNDER SEAL~~

The United States and State of California (hereinafter collectively "the United States") having declined to intervene in this action pursuant to the Federal False Claims Act, 31 U.S.C. § 3730(b)(2)(A), and California False Claims Act, Cal. Govt. Code § 12652(b)(3)(B), the Court rules as follows:

1 1. The Complaint shall be unsealed and served upon the defendants
2 by the relator;

3 2. All other contents of the Court's file in this action shall
4 remain under seal and not be made public or served upon the defendants,
5 except for this Order and the Notice of Election to Decline Intervention,
6 which the relator shall also serve upon the defendants;

7 3. The seal shall be lifted as to all other matters occurring in
8 this action after the date of this Order;


9 4. The parties shall serve all pleadings and motions filed in this
10 action, including supporting memoranda, upon the United States, as
11 provided for in 31 U.S.C. § 3730(c)(3) and Cal. Govt. Code § 12652(f)(1).
12 The United States may order any deposition transcripts and may seek to
13 intervene in this action, for good cause, at any time;

14 5. All orders of this Court shall be sent to the United States;
15 and

16 6. Should the relator or the defendants propose that this action
17 be dismissed, settled, or otherwise discontinued, the Court shall provide
18 the United States with notice and an opportunity to be heard before
19 ruling or granting its approval.

20 IT IS SO ORDERED.

21 DATE: 1/17/2003


HONORABLE WILLIAM B. SHUBB
Chief Judge
United States District Court

United States District Court
for the
Eastern District of California
January 17, 2003

* * CERTIFICATE OF SERVICE * *

2:02-cv-00983

USA

v.

NuFactor and FFF

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on January 17, 2003, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

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Jack L. Wagner, Clerk

BY: 